

NEW JERSEY SUPREME COURT ACTION PLAN FOR ENSURING EQUAL JUSTICE -- UPDATE ON 2022 GOALS & NEW INITIATIVES FOR 2023

This presents the annual report on the New Jersey Supreme Court's Action Plan for Ensuring Equal Justice. The Court issued its first Action Plan in 2020 in response to the murder of George Floyd and other similar tragedies, as part of its commitment to identify and seek to eliminate barriers to justice for people of color and other historically marginalized groups.

The Court's [initial announcement](#) highlighted nine areas for reform. At the conclusion of one year, the Court provided a status update on its advancement of each of the nine objectives. It later announced [nine new goals for 2021](#) and [nine new goals for 2022](#).

Through those three annual installments, the New Jersey Supreme Court to date has overseen and authorized improvements in 27 areas, with some reforms yielding direct benefits to people involved with the courts and others building the foundation for systemic change within and beyond the justice system.

In this report, the Court documents the progress achieved in the nine areas announced in its 2022 Action Plan, with links to information and resources for consideration by other court systems engaged in efforts to improve equity. As in prior years, the Court also announces nine new areas of focus for the coming year.

As the Court issues this latest Action Plan installment, it is appropriate to recognize the Judiciary members and many external stakeholders responsible for development, implementation, and assessment of the 2022 initiatives, as well as the reforms advanced in 2020 and 2021. The Court will continue to solicit input from people within and beyond the court system, identify gaps and areas of need, and work to advance equity for all court users in order to support those who have been denied justice because of historic barriers and inequities that disproportionately burden people of color, people of limited financial resources, LGBTQ+ people, and others. With that focus in mind, the Court here shares the outcomes realized in 2022 and announces more areas for improvement in 2023.

2022 ACTION PLAN FOR ENSURING EQUAL JUSTICE

Over the past year, the Judiciary has advanced the nine goals set out in the 2022 installment of the Supreme Court's Action Plan as follows:

- 1. Development and use of a toolkit to support judges and staff at all levels in continuing voluntary conversations about race and equity issues.**

The Judiciary developed, pilot tested, and now publicly shares this [resource package](#) designed to facilitate open -- and sometimes difficult -- dialogue about the ongoing effects of discrimination and bias in the courts and all areas of society.

Through such regular communications about race, gender, and other aspects of identity, people who work together can exchange personal experiences and perspectives, including about incidents of bias and exclusion. Routine communications about these important topics enable members of the court community to more fully recognize the ways that each of us can identify and interrupt structural barriers and disparities and thereby provide a more open door to justice for people of color and other historically marginalized groups.

- 2. Use of data-driven strategies to reduce the inappropriate use of secure juvenile detention, while protecting public safety and supporting court appearances.**

The Supreme Court in [2020](#) relaxed the Court Rules to support rollout of the Judiciary's electronic juvenile complaint system (Juvenile eCDR). The use of Juvenile eCDR provides greater transparency and consistency, thereby reducing the potential effects of bias in the juvenile complaint process.

Building on that foundation, the Judiciary in 2023 implemented the final phase of an automated risk screening tool (RST) for juveniles. As compared to a manual process, the new automated Juvenile RST reduces potential errors, expedites the collection of data, and supports enhanced analysis of outcomes for court-involved youth. Juvenile eCDR and the new Juvenile RST work in tandem to enhance consistency and objectivity in decision-making and to

produce a growing body of data for analysis. These tools advance fairness for court-involved youth and reduce potential bias in the use of secure detention.

3. Analysis of data regarding youth in out-of-home placements, with a focus on reducing time to permanency and strengthening supports for youth of color.

The Judiciary, independently and in collaboration with partners in the Executive and Legislative branches of state government, continues to work on reducing the number of children of color in out-of-home placements, as well as the duration of such placements.

To advance those dual goals, broad-based working groups established in each county now meet on a quarterly basis to review all cases involving children placed outside of their homes. Those collaborative groups examine options for reunification and other plans for permanency.

In addition to ongoing efforts to achieve permanency whenever possible, the Judiciary formalized a process to support older youth in extended out-of-home placement by expanding the use of [benchmark hearings](#). The goal is for the judge to have a direct conversation with the youth without the formality of a court hearing. The judge should listen and learn the child's needs and then help ensure those needs are addressed in a timely manner.

4. Enhancement of practices, protocols, and trainings to ensure inclusion and the elimination of structural barriers to the courts for LGBTQ+ people;

The Judiciary continues to advance reforms to support people who pursue a name change in order to affirm identity. Following the Supreme Court's [amendments to Court Rules](#) to classify all name change pleadings and judgments as confidential, the Governor in Executive Order 311 established confidentiality for records also retained by the Executive branch. The Judiciary and Executive branch are exploring further procedural modifications to support safety and privacy in the name change process.

In response to the tragic loss of life at the Club Q celebration of Transgender Day of Remembrance, Chief Justice Stuart Rabner and Administrative Director Glenn A. Grant invited legal and community advocates to discuss additional ways for the court system to support safety, access, and inclusion for LGBTQ+ people. That candid and personal discussion sparked numerous initiatives, including a February 2023 panel presentation -- “Equity, Inclusion, and Dignity: A Roundtable Discussion on Gender Identity Inclusion” -- focusing on the particular barriers encountered by people who are transgender, gender nonconforming, and non-binary. Several hundred judges and court staff attended the program. The personal stories and insights shared by the panelists continue to inform and improve the Judiciary’s training for judges and court staff.

5. Institutionalization of community engagement initiatives to maintain and strengthen relationships with all stakeholders, including attorneys, system partners, and members of the public.

The New Jersey Supreme Court has long recognized the need for transparency and access as a foundation for procedural justice. To that end, the Judiciary over the past year offered both statewide and local outreach programs on issues of concern, including evolving landlord tenant processes, resources for individuals at risk of or victimized by domestic violence, and new categories of expungements available through recent legislative changes.

Beyond informational programs and listening sessions, court leaders joined with local legislators and others to establish Gun Violence Reduction Initiatives in a number of counties, with more programs in development throughout New Jersey.

6. Reexamination of court practices related to all types of disabilities and different abilities.

The Judiciary solicited and acted on input from Disability Rights New Jersey, New Jersey’s designated Protection and Advocacy agency under federal law, and other public and private stakeholders to optimize physical and virtual access to the courts for people with different physical capacities.

As part of the 2023 design for its public website, njcourts.gov, the Judiciary posted more materials in HTML format, which is readable on a smartphone and by the assistive technologies used by people with visual impairments. The court website also prioritizes understandability for users who access online resources with a smartphone rather than a large-screen device.

In addition, with input from outside experts, the Judiciary updated its Courthouse Facility Guidelines to integrate advances in technology and evolving security considerations. The Court-approved guidelines will bolster an organizational commitment to ensure access in all locations for individuals with physical and other limitations.

7. Coordination of outreach and awareness programs focused on, and responsive to, populations at risk of violence, including Asians and Pacific Islanders and individuals of Jewish faith and culture.

The administrative director of the courts invited members of specialty bar associations to discuss responses to continued incidents of violence and other forms of bias and discrimination faced by members of Asian communities. Leaders of the Asian and Pacific American Lawyers Association of New Jersey (APALA-NJ) and the South Asian Bar Association of New Jersey (SABA-NJ) recounted their personal histories and experiences as members of the legal profession. Those conversations sparked a Judiciary-wide initiative on the importance of asking court users questions to support quality customer service. The “Just Ask” initiative includes posters now displayed in all court locations to remind our workforce that the best way for judges and court staff to know how to address someone is simple -- just ask. As a follow-up to the earlier listening sessions, attorneys from APALA-NJ and SABA-NJ spoke at a July 2023 program focusing on the experiences of attorneys of Asian heritage in the law.

The Judiciary also engaged with members of the Jewish community, including representatives of the New Jersey Jewish Federations, regarding the history and continuing effects of antisemitism, including in our local communities. To support our workforce in understanding the ongoing challenges faced by people of Jewish descent and faith, the Judiciary welcomed an expert and

scholar in Jewish history in August 2023 for a special program on the rise of antisemitism and its historical roots in the Holocaust.

8. Continued expansion of the relationships and outreach of the County Domestic Violence Working Groups to optimize processes and outcomes for individuals and families.

For more than 30 years, the Judiciary has supported county-level working groups comprised of judges, court staff, law enforcement, service providers, and other stakeholders involved in domestic violence prevention. Over the past several years, the Judiciary reinvigorated these groups, including through expansion of membership and updates to annual goals. To ensure ongoing focus in this critical area, the Judiciary added a requirement for each group to report to a statewide committee, chaired by the administrative director, regarding local achievements and challenges.

All 21 county Domestic Violence Working Groups reported in 2022-2023, providing an opportunity to identify trends -- such as challenges with unserved temporary restraining orders and barriers to fingerprinting of defendants when court sessions are conducted virtually -- and identify effective strategies for statewide expansion. As a tool for other jurisdictions, the Judiciary here shares the meeting and reporting [forms](#) used by local groups throughout New Jersey.

9. Expansion of training on data analytics for judges and court staff to identify and address potential disparate effects on people of color and support organization-wide assessment of policies.

The Judiciary, in coordination with LinkedIn Learning, customized an online learning program on data analysis and visualization, which all court executives completed in 2023. With improved data literacy, leaders responsible for policy decisions are working with the Data Analysis, Research, and Statistics Unit to critically examine court policies in areas with known or potential race-related disparities, including criminal justice reform and child welfare.

In addition, through ongoing use of an Equity Impact Assessment tool, the Judiciary continues to review all new and revised policies from a race equity

perspective. The institutionalization and consistent use of the EIA has facilitated identification of areas in which demographic data is lacking or inconsistent. Where possible, the Judiciary is taking steps to solicit and compile such information on race, ethnicity, and gender, either directly or through cooperation with stakeholders.

AREAS OF ONGOING REFORM

Through the leadership of Chief Justice Rabner, the New Jersey Supreme Court, and Administrative Director Grant, the Judiciary over the past year has engaged in critical equity reforms beyond the specific items listed in the Court's 2022 Action Plan. They include:

- **Report of Joint Committee on Criminal Justice Reform**

Six years after the enactment of the Criminal Justice Reform Act, Chief Justice Rabner convened a broad-based committee to review existing data and examine the effectiveness of the law. In June 2023, the reconvened Joint Committee issued [a report](#) that analyzes the performance of Criminal Justice Reform while offering a series of recommendations to sustain the strengths of the current system and integrate further improvements. To maintain the benefits of New Jersey's CJR system -- which ensures that people with limited economic means who pose minimal risk to society are not held in jail awaiting trial, while higher-risk defendants cannot buy their pretrial release -- the Joint Committee recommended greater consideration of detention for repeat offenders and new opportunities to refer eligible defendants for treatment and needed services.

- **Expansion of Jury Reforms, Including Statewide Collection of Juror Demographic Information**

Following through on goals first highlighted in the 2020 Action Plan, the Judiciary completed a process for ongoing statewide collection of juror demographic information. In furtherance of the Supreme Court's vision as outlined in July 2022, attorneys in all civil and criminal jury trials now can obtain aggregate demographic information for jury pools upon request. This landmark reform balances transparency as to juror

demographics with the need to keep individual juror information private. The collection and provision of voluntary demographic information complements other improvements to the jury selection process, including a lower standard for for-cause challenges, an objective standard designed to reduce the effects of bias in the exercise of peremptory challenges, and interrelated strategies to combat implicit bias and support juror impartiality.

- **Elimination of \$7 Million in Unpaid Supervision Fees for People No Longer Subject to Probation Supervision**

Consistent with its 2020 action to vacate certain old, outstanding fines imposed on juveniles, the Supreme Court in its [April 20, 2023 Order](#) vacated unpaid probation supervision fees totaling more than \$7 million. Without affecting restitution or mandatory penalties, the Court's action concluded prolonged involvement with the criminal justice system for more than 31,000 adults no longer subject to supervision. In so doing, the Court again supported reintegration into and contribution to society for adults -- including disproportionate numbers of adults of color -- sentenced to probation supervision and subject to non-mandatory fees that create unnecessary burdens without advancing rehabilitation.

The above examples highlight a few of the ways in which the Court oversaw equity reforms beyond the specific items listed in its 2022 Action Plan installment. Among other ongoing efforts, the Judiciary also advanced access and fairness initiatives in the municipal courts; enhanced supports for parties in high-volume dockets including landlord tenant, foreclosure, and non-dissolution; continued collaboration with private and public employers to connect Probation and Recovery Court clients with reliable employment; and further developed mental health initiatives for court-involved people.

NEW GOALS FOR THE 2023 ACTION PLAN FOR ENSURING EQUAL JUSTICE

In this fourth installment of its Action Plan, the New Jersey Court now commits to focus on nine new areas, as follows:

1. **Refine court processes involving financial obligations**, both to ensure that court-imposed fines and fees are structured to avoid inequitable burdens for people with lesser financial means and to enable greater transparency for court users involved in payment and collection of debts.
2. **Leverage technology to improve notice of and access to court language services**, to support all court users in receiving interpreting services and translation supports from the outset of their court involvement.
3. **Analyze and respond to data regarding violations of probation for juveniles**, to identify potential disparities associated with race, ethnicity, and gender; to inform strategies to address any biases; and to enhance outcomes for youth on court supervision, including disproportionate numbers of youth of color.
4. **Improve supports for attorneys appointed to provide pro bono representation** to individuals without the capacity to retain private counsel, to facilitate advocacy for all individuals while avoiding undue burdens on limited numbers of attorneys.
5. **Strengthen supports for family members of court-involved people with mental health challenges and developmental disabilities** so that relatives better understand court processes and navigate the system more effectively.
6. **Enhance race equity staff training and professional requirements** to further institutionalize the examination of all court initiatives and processes, including algorithms and assessment tools, from an equity impact perspective.
7. **Expand efforts to support wellness for law professionals** -- including attorneys of color who face microaggressions and other particular challenges -- to implement preventative well-being strategies in order to reduce negative consequences, including mental health issues, substance use, and self-harm.
8. **Improve protections for at-risk older adults in New Jersey**, including through implementation of the recommendations of the Judiciary Elder Justice Working Group.

9. Collect and analyze voluntary demographic information from applicants and appointments to Supreme Court committees to identify areas of underrepresentation and develop strategies to increase participation.

In the words of Dr. Martin Luther King, Jr., “Life’s most persistent and urgent question is, ‘what are you doing for others?’” Through each annual installment of its Action Plan, the New Jersey Supreme Court commits to advancing specific, measurable objectives to support more equitable justice for all people and continue in our work to achieve a better tomorrow.